



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/722,717

11/26/2003

John D. Colleran

13768.783.294

7338

47973

7590

04/03/2008

WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

AHLUWALIA, NAVNEET K

ART UNIT

PAPER NUMBER

2166

MAIL DATE

DELIVERY MODE

04/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/722,717	Applicant(s) COLLERAN ET AL.	
	Examiner NAVNEET K. AHLUWALIA	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/01/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1 – 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbazette et al. ('Barbazette' herein after) (US 2005/0010311 A1) further in view of Parthesarathy et al. ('Parthesarathy' herein after) (US 6,353,926 B1) further in view of Eric Ustaris ('Ustaris' herein after) (US 2004/0060035 A1).

With respect to claim 1,

Barbazette as modified (in combination with Parthesarathy) discloses in a computing environment, a method comprising: detecting a type of computer related problem on a use machine, selecting a manifest from a plurality of manifests based upon the detected type of computer-related problem, the selected manifest identifying a set of one or more tools that when executed collects data for analysis with respect to diagnosing the computer-related problem (paragraphs 17 – 18, 27 – 28 and 31, Barbazette and column 6 lines 32 – 42, Parthesarathy); the selected manifest providing information for running the set of tools with an appropriate configuration and the selected manifest describing what output should be collected, providing a control mechanism to interpret the selected manifest, providing the selected manifest to the control mechanism and executing each tool identified in the manifest and each tool collecting data from the user machine (paragraphs 17 – 18, 27 – 28 and 31, Barbazette

Art Unit: 2166

and column 5 lines 61 – 67, Parthesarathy); reporting program collecting and packaging the data collected and receiving the data collected from the machine (paragraphs 27 – 28 and 31, Barbazette and column 6 lines 48 – 58, Parthesarathy).

Barbazette as modified however does not explicitly disclose the plurality of manifests out of which one is selected.

Ustaris teaches the plurality of manifests and also teaches the selecting of a manifest based on the problem or requirement (paragraphs 0020 – 0021 and 0037 – 0038, Ustaris).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because Ustaris's method provides an automated building of a software application based upon the submissions from programmers and furthermore provides an automated deployment/installation method for taking an updated or revised version to their systems (paragraphs 0018 and 0020 – 0021, Ustaris). Furthermore, with the plurality of manifests being built and modified according to the requirements/problems enhances the deployment with ease (paragraphs 0037 – 0038, Ustaris)

Claims 2 – 9 and 22 are rejected under the same rationale given for claim 1. The citations of the elements claimed and taught are listed below.

With respect to claim 2,

Barbazette as modified discloses the method of claim 1 wherein providing the selected manifest comprises providing a mechanism that when clicked on links to the

Art Unit: 2166

selected manifest (column 7 lines 22 – 30, Parthesarathy).

With respect to claim 3,

Barbazette as modified discloses the method of claim 2 wherein providing the mechanism comprises providing a URL that when clicked on links to the selected manifest (column 7 lines 34 – 47, Parthesarathy).

With respect to claim 4,

Barbazette as modified discloses the method of claim 1 wherein providing the selected manifest comprises sending information about the selected manifest in an email message (column 10 lines 1 – 3, Parthesarathy).

With respect to claim 5,

Barbazette as modified discloses the method of claim 1 wherein providing the selected manifest comprises sending information about the selected manifest in an instant message (column 9 lines 2 – 12, Parthesarathy).

With respect to claim 6,

Barbazette as modified discloses the method of claim 1 wherein providing the selected manifest comprises providing a site that may be accessed via a browser (column 8 lines 66 – 67 and column 9 lines 1 – 5, Parthesarathy).

With respect to claim 7,

Barbazette as modified discloses the method of claim 1 further comprising wherein for each tool, the control mechanism determining whether the tool needs to be downloaded and installed to the use machine, and when, the control mechanism further downloading and installing that tool (column 6 lines 48 – 58, Parthesarathy).

With respect to claim 8,

Barbazette as modified discloses the method of claim 1, further comprising, the reporting program to packaging the data for transmission (column 6 lines 13 – 26, Parthesarathy).

With respect to claim 9,

Barbazette as modified discloses the method of claim 1 wherein providing the control mechanism comprises transmitting the control mechanism to the machine (column 9 lines 25 – 33, Parthesarathy).

With respect to claim 22,

Barbazette as modified discloses the method of claim 1 further comprising, before providing the selected manifest, receiving a form comprising information directed toward narrowing the computer-related problem (paragraphs 0020 – 0021 and 0037 – 0038, Ustaris).

With respect to claim 10,

Barbazette as modified discloses a tangible computer-readable storage medium having computer-executable instructions which when executed performs the method of claim 1 (see rejection for claim 1 above).

With respect to claim 11,

Barbazette as modified (in combination with Parthesarathy) discloses in a computing environment, a system comprising at least one computer processor and computer readable storage media having encoded thereon computer executable instructions which when executing perform the method of claim 1 (see rejection of claim 1 above).

Claims 12 – 21 are rejected under the same rationale given for claim 11. The citations of the elements claimed and taught are listed below.

With respect to claim 12,

Barbazette as modified discloses the system of claim 11 wherein the set of available tools is maintained in a program store associated with a software support entity (column 6 lines 32 – 37, Parthesarathy).

With respect to claim 13,

Barbazette as modified discloses the system of claim 11 wherein the control mechanism executes the subset of tools by interpreting a manifest that identifies the subset of tools and was selected based upon the particular type of computer-related problem (column 6 lines 48 – 59, Parthesarathy).

With respect to claim 14,

Barbazette as modified discloses the system of claim 13 wherein the manifest comprises a data file accessed via a URL (column 7 lines 22 – 30, Parthesarathy).

With respect to claim 15,

Barbazette as modified discloses the system of claim 13 further comprising a mechanism that selects the manifest from among a set of manifests, the selection based on received user data.

With respect to claim 16,

Barbazette as modified discloses the system of claim 14 wherein the control mechanism is communicated to the machine in response to accessing the URL (column 7 lines 34 – 47, Parthesarathy).

With respect to claim 17,

Barbazette as modified discloses the system of claim 11 wherein the control mechanism downloads to the machine at least one of the tools in the subset (column 9

lines 25 – 33, Parthesarathy).

With respect to claim 18,

Barbazette as modified discloses the system of claim 11 wherein the control mechanism installs at least one of the tools in the subset on the machine (column 48 – 58, Parthesarathy).

With respect to claim 19,

Barbazette as modified discloses the system of claim 11 wherein the control mechanism compares a version of an existing tool on the machine with a version of a tool in the subset (Figure 3, Parthesarathy).

With respect to claim 20,

Barbazette as modified discloses the system of claim 11 wherein the control mechanism operates in response to a received user request (column 6 lines 1 – 10, Parthesarathy).

With respect to claim 21,

Barbazette as modified discloses the system of claim 20 wherein the control mechanism executes at least one of the tools in the subset that was already installed on the machine prior to receiving the user request (column 6 lines 48 – 58 and column 9 lines 25 – 33, Parthesarathy).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Navneet K. Ahluwalia/
Examiner, Art Unit 2166

Dated: 03/28/2008

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166